

**REGULAR SESSION OF THE
BRIGHAM CITY COUNCIL
JULY 29, 2010**

PRESENT:	Dennis Fife	Mayor
	Bruce Christensen	Councilmember
	Scott Ericson	Councilmember
	Ruth Jensen	Councilmember
	Bob Marabella	Councilmember
	Tyler Vincent	Councilmember
ALSO PRESENT:	Rick Bosworth	Human Resource Coordinator
	Jim Buchanan	Emergency Services Director
	Dave Burnett	Public Power Director
	Mary Kate Christensen	City Recorder
	Blake Fannesbeck	Public Works Director
	Jared Johnson	Community Development Manager
	Paul Larsen	Economic Development Director
	Bruce Leonard	City Administrator
	Kirk Morgan	City Attorney
	Raymond Poulson	Waste Treatment Supervisor
	Tyler Pugsley	Assistant Public Works Director
	Jason Roberts	Finance Director
	Paul Tittensor	Chief of Police

Mayor Fife called the meeting to order. The Reverence Period was given by Pastor Christian Waltmire from the Brigham City Bible Church. Councilmember Jensen led the audience in the Pledge of Allegiance. A motion to approve the minutes of the July 15, 2010 Work Session and Council Meeting was made by Councilmember Christensen, seconded by Councilmember Vincent and unanimously carried.

**PUBLIC COMMENT
CONSENT**

Proposed Formation of Task Force to Explore Feasibility of Creating a Brigham City Television Station

SCHEDULED DELEGATION

Statewide Nutrient Study

Request to Operate Landing Zone for Helicopter Rides During Peach Days

NEW BUSINESS

Request for Resolution Creating a Three Tier Fee Schedule for Construction Water Usage

Discussion of Proposed Ordinance Amending Title 16, Chapter 16.03, "Offenses Against Public Order and Decency" to Include Section 16.03.310 Free Speech Zones

PLANNING COMMISSION BUSINESS

Request for Approval of Cottonwood Grove PUD Final Plat Located at Approximately 650 South 800 West

Request for Approval of Zone Change from General Commercial to Multiple Residential District for Property Located at 37 South 600 West

Request for Approval of Ordinance Amending Chapter 29.14 to Include Recreational Coach Park as a Secondary Use in the Manufacturing Distribution District

**MAKING LIFE BETTER - DEPARTMENT REPORTS
OTHER BUSINESS**

PUBLIC COMMENT

There were no public comments.

CONSENT

Proposed Formation of Task Force to Explore Feasibility of Creating a Brigham City Television Station

It was requested that a task force be established to explore the feasibility of starting a municipal controlled TV station to provide coverage for multiple entities that would be of interest to residents of Brigham City.

MOTION: A motion to approve the Consent Agenda was made by Councilmember Ericson, seconded by Councilmember Jensen and unanimously carried.

SCHEDULED DELEGATION

Statewide Nutrient Study

Mr. Paul Krauth from the Utah Division of Water Quality came forward and presented the results of a study in which Brigham City participated.

Mr. Krauth said the big push nationally from the Environmental Protection Agency (EPA) is nitrogen and phosphorus, which is fertilizer. Nutrients heavily affect fisheries, recreation and drinking water supplies. The national trend is to push for a number, a numeric standard that will be put in permits.

In 2009 Brigham City participated in a study done by CH2M Hill. It was a large group effort of 38 waste treatment plants in the state. They looked at four scenarios and the cost of each.

If the EPA asked all treatment plants to remove phosphorus only to one parts per million, it would be an initial capital cost of approximately \$24 million. Initial operations and maintenance (O&M) costs would \$4.5 million. To go to the nitrogen and phosphorous at the higher level would cost \$140 million and would raise everyone's bill approximately \$3.00/month. O&M costs would remain about the same. If the phosphorus is lowered to a tighter standard, it would be \$820 million capital costs. This would raise everyone's bill \$11.00/month. The tightest standard would be \$1 billion in capital costs and would raise bills to \$13.50/month.

Mr. Krauth stated that Brigham City's plant is already capable of making any nitrogen number needed. If the plant went to one phosphorus, it would cost approximately \$670,000. Annual operating costs would be the chemical fee of \$163,000. This would raise Brigham City residents' bill by \$2.90/month. The state average is \$1.19. If the City goes to the tight phosphorus, there would need to be more tanks on the front on the plant and a filter on the back end, and add chemicals to a few locations. That could be done for approximately \$14 million. O&M would be \$250,000. This would raise the monthly fee by \$25.00. Brigham City is typically running about three milligrams per liter.

Request to Operate Landing Zone for Helicopter Rides During Peach Days

Mr. Bret Reeder approached the Council and requested permission to offer helicopter rides during Peach Days. They have received permission from the high school principal to land on the soccer field next to the high school. They will offer 2-3 minute rides over the City for \$15. They have \$5 million insurance coverage. Each person who rides in the helicopter will have to sign a release of liability form.

Mayor Fife asked if the School Board has approved this, or just the principal. Mr. Reeder said he talked with the principal and he gave him a letter of authorization. The Mayor suggested he receive permission from the School Board.

MOTION: Councilmember Ericson made a motion to permit helicopter rides during Peach Days, pending the notification of the School Board. The motion was seconded by Councilmember Marabella and unanimously carried.

NEW BUSINESS

Request for Resolution Creating a Three Tier Fee Schedule for Construction Water Usage

Tyler Pugsley came forward and stated that during the summer months the City has a lot of construction water meter connections. In the last month the City spent \$3,000-\$4,000 on power costs to run the two wells in Mantua to provide water for these meters.

With several big construction projects coming to Brigham City, they felt it was time to propose a change in the construction water rates to a tiered fee so those that are using more water would be charged more per 1000 gallons. If they use up to 100,000 gallons they would be charged \$1.75 per 1,000 gallons, 100,001 - 200,000

gallons would be charged \$3.50 per 1,000 gallons, and 200,001 and up would be charged \$5.00 per 1,000 gallons. Staff felt this would encourage companies to conserve water.

Mr. Pugsley reviewed the construction water bills over the last few months and 70-80% are using less than 100,000 gallons per month. This will affect them approximately 14¢ per 1,000 gallons.

The Ruby Pipeline Project has the possibility of drawing a large quantity of water from Brigham City. When this much water is being drawn from the system, an agreement would have to be made between the City and the construction company to determine the price for water usage and associated costs for attorney's fees. This resolution includes a statement that the City will provide a meter and anything above and beyond that would be at the contractor's expense. This makes it so an agreement is not required.

Councilmember Marabella expressed concern with the City committing four million gallons to Procter and Gamble, and knowing there is a comfortable amount of water based on future growth, he asked if the City could tell construction companies the City cannot provide water for them. Mr. Pugsley agreed this is a concern. Two weeks ago the City turned on all the City's wells to accommodate the drier weather. In addition, it is the peak construction season and the construction companies are using a lot of culinary water. He explained that they look at each connection on a case-by-case basis. If it is something they don't feel comfortable with, they can deny the request for water. Mr. Fonnesebeck added that there is also the option of putting on a control valve that will only allow a certain amount of gallons per minute.

Councilmember Marabella asked if the City is close to having a hydrant that can feed from the Waste Treatment Plant for secondary water only. Mr. Pugsley said some communities do that. He will look into this further and report back to the Council.

MOTION: Councilmember Marabella made a motion to approve the creation of a three tier fee structure for construction water usage and asked staff to review the possibility of implementing a secondary water fill station from the Waste Treatment Plant. The motion was seconded by Councilmember Christensen and unanimously carried.

Discussion of Proposed Ordinance Amending Title 16, Chapter 16.03, "Offenses Against Public Order and Decency" to Include Section 16.03.310 Free Speech Zones

Mayor Fife stated that there are some wording that needs to be changed in this proposed ordinance, but he felt the Council should have an opportunity to give input before it is finalized.

Mr. Leonard explained that the intent of this ordinance is to protect the public as well as the protestors, and to make sure the City is aware of any demonstrations.

Mr. Morgan stated that one of the issues that is litigated is how close the protestors are to the event. The Supreme Court has said that the free speech zone has to be close enough that they can have access to those people. For example, they cannot be told to be at the other end of the City if the event is happening on Main Street. The Mayor's concern is that there be an appeals process in the ordinance. The ordinance currently has the City Administrator as the appeal authority. They have considered the appeal process going to the City Council or the District Court. Mr. Morgan's concern is that it is a constitutional issue at an appellant level.

Chief Tittensor added that this ordinance will help the Police Department plan for events. Their biggest concern is protecting the protestors from other people. If they knew how many protestors were going to attend the event, they would be able to plan accordingly.

This will be discussed further in a future Council meeting.

PLANNING COMMISSION BUSINESS

Request for Approval of Cottonwood Grove PUD Final Plat Located at Approximately 650 South 800 West

Mr. Larsen stated that this is the final plat for the Cottonwood Grove PUD. All of the staff issues have been resolved. The council's previous concern with the width of the street has been resolved.

MOTION: Councilmember Christensen made a motion to approve the Cottonwood Grove PUD Final Plat, seconded by Councilmember Vincent and unanimously carried.

Request for Approval of Zone Change from General Commercial to Multiple Residential District for Property Located at 37 South 600 West

Mr. Larsen explained that this property is currently zoned GC and this request is to amend it to RM-15. The request is only for three of the lots.

MOTION: Councilmember Christensen moved to approve the zone change from General Commercial to Multiple Residential District for property located at 37 South 600 West. Councilmember Marabella seconded the motion, unanimously carried.

Request for Approval of Ordinance Amending Chapter 29.14 to Include Recreational Coach Park as a Secondary Use in the Manufacturing Distribution District

Mr. Larsen stated that this is a request to amend Chapter 29.14 of the Zoning Ordinance to include recreational coach or RV parks as a secondary use in the Manufacturing District. The ordinance would make them serve as a secondary use to an RV sales operations. This came under consideration as part of the Victor Thompson annexation.

MOTION: Councilmember Marabella made a motion to approve the ordinance amending Chapter 29.14 to include recreational coach park as a secondary use in the Manufacturing Distribution District. Councilmember Christensen seconded the motion, unanimously carried.

MAKING LIFE BETTER REPORTS

Blake Fannesbeck - Mr. Fannesbeck reported that a few years ago the City applied for a federal Small Urban Grant of \$1M to reconstruct 1200 West from Forest Street to 600 North. Over time, prices increased and \$1M will no longer be enough to finish the project, so they have scaled back the project and rebid it. Geneva Rock got the bid and will be starting August 2. The intersection on Forest and 1200 West will be widened and will be tapered back to the Autoliv entrance. They will do a 3" overlay and some shoulder widening on the rest of the portion. The remaining 1000' between the bridge and that portion will be seal coated. It will be down to one lane starting next Friday until completion. It should be done by Peach Days.

OTHER BUSINESS

A motion to adjourn was made by Councilmember Jensen. The motion was seconded and carried unanimously. The meeting adjourned at 8:10 p.m.